

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-against-

AMERINDO INVESTMENT ADVISORS, INC.,
et al.,

Defendants.

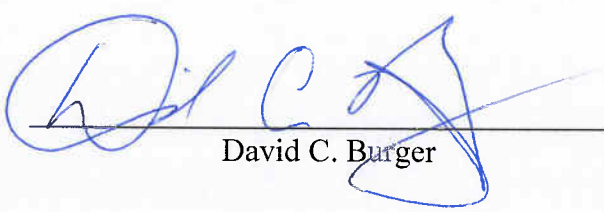
Case No. 05 CIV 5231 (LTS)

**AFFIDAVIT OF DAVID C. BURGER
IN SUPPORT OF MOTION BY
DEFENDANT ALBERTO VILAR
FOR SUMMARY JUDGMENT
DISMISSING THIS ACTION**

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

David C. Burger, an attorney admitted to practice before this court, hereby deposes and says:

1. I am of counsel to Robinson Brog Leinwand Greene Genovese & Gluck P.C., counsel for defendant Alberto Vilar ("Vilar") in the above-captioned action.
2. Vilar joins in the Declaration of Vivian Shevitz in Support of Motion to Dismiss, dated March 7, 2012, and the Memorandum of Law in Support of Motion to Dismiss, dated March 7, 2012, filed on behalf of co-defendant Gary A. Tanaka, and thereupon moves for summary judgment dismissing this action in its entirety as against him.


David C. Burger

Sworn to before me
this 7th day of March, 2012.


Notary Public

CHRISTIAN HENNING
Notary Public, State of New York
No. 01HE6208748
Qualified in Kings County
Commission Expires 07/06/2013